

### **AMENDMENTS TO THE DRAWINGS**

The drawings were objected to in that line VI-VI is not present in Figure 3, as indicated in original paragraph [0008]. The drawings are correct; paragraph [0008] has been amended to correct the inadvertent error and now refers to Figure 2, where line VI-VI is present.

## **REMARKS/ARGUMENTS**

The above listed claim amendments along with the following remarks are fully responsive to the Office Action set forth above. Claims 1-21 are pending. Claims 17-21 have been withdrawn. Claims 1, 7, 8 and 16 have been amended. With the sole exception of the amendment to claim 16, none of the amendments are narrowing amendments; none of the amendments have been made to overcome any prior art; each amendment has been made to correct one or more inadvertent errors in the claims.

### **Drawings**

The drawings were objected to in that line VI-VI was not present in Figure 3 as mentioned in the specification, paragraph [0008]. Paragraph [0008] has been amended to refer to Figure 2 in which line VI-VI is present. As such, no change is necessary to the drawings.

### **Specification**

The specification was objected to in that various inadvertent errors were present in the descriptions of certain Figures; each of these errors has been corrected. Applicant gratefully acknowledges the assistance of the Examiner in identifying these inadvertent errors in the Roman numerals referring to the section lines in the various Figures.

### **Claim Objections**

Claims 1, 7, 8 and 16 were objected to. The examiner's wording has been adopted in amendments made to these claims.

### **Claim Rejections – 35 USC §§ 102 and 103**

Claims 1, 2, and 7-16 were rejected as anticipated by Grey, understood to be US Patent 2,785,426.

Claims 3-6 were rejected as obvious over Grey.

Applicant respectfully, but most vigorously, controverts that Grey discloses an applicator pad. Characterizing bristles 27 as a “generally flat coating applicator pad” would eviscerate the meaning of “pad” as distinguished from “brush.” Brushes and pads are two distinct species of paint applicators. One example of a third party contrasting “brushes” with “paint pads” is in a news article titled “Best paint applicator” printed from the Internet at: [http://rdu.news14.com/content/top\\_stories/?ArID=77704](http://rdu.news14.com/content/top_stories/?ArID=77704), copy attached as Exhibit A.

Grey himself refers repeatedly to his bristles 27 as forming a “brush” not a pad, see Grey, column 2, lines 25-26 and column 3, lines 69, 70. Moreover, Grey refers to his device as a “combined container cap and **brush**” [emphasis added] throughout his patent. The structure of Grey is simply not a pad having the claimed “planar application surface.” In operation, the tips of the bristles of Grey will not normally remain in a plane, since Grey is directed to “working the polish into the deep crevices and decorations on the surface of the silverware” (Grey, column 3, lines 14, 15).

For these reasons Grey does not anticipate applicant’s invention as claimed in claim 1 and the rejection is respectfully requested to be withdrawn.

Applicant controverts the assertion in the Office Action that Grey has a pad with recesses into which the bristles of Grey may be received. Applicant controverts the further assertion in the Office Action that adjacent bristle groups of Grey are angled or spaced as claimed in applicant’s claims. Further, applicant controverts the assertion in the Office Action that Grey has a pivoting handle. There is simply no pivot in Grey.

Claims 2-16 are each individually allowable for the reasons stated with respect to claim 1 above.

In addition, claim 7 is also allowable because Grey does not have any aperture in a pad for receiving the plurality of bristles when the pad is moved across a planar surface and the bristles are not aligned with the gap (in between members of the planar surface to coated) while allowing the pad to remain in contact with the planar surface.

Claim 8 is also allowable because Grey does not have any pad with an aperture that extends on both sides of the bristles.

Claim 10 is also allowable because Grey does not have a first group of bristles oriented along a first axis in a first direction and at a first angle of less than  $90^\circ$  to the planar surface of a pad. All the tufts of bristles of Grey are oriented along axes that are  $90^\circ$  to the top face of bristle mounting member 26.

Claim 11 is also allowable because the tufts of bristles of Grey are not oriented about any axis angled at about 67.5 degrees with respect to any planar surface of any part of Grey.

Claim 12 is also allowable because Grey does not have a second group of bristles oriented along a second axis in a second direction and at a second angle generally equal and generally opposite to the first angle.

Claim 14 is also allowable because Grey does not specify any spacing between its tufts of bristles, much less anticipate spacing a second group of bristles about 0.08 inches from a first group of bristles.

Claim 15 is also allowable because Grey does not have any handle pivotably connected to a baseplate.

Claim 16 is also allowable because Grey does not specify any spacing of its tufts of bristles from any handle axis, much less anticipate spacing a plurality of bristles about one and one quarter inches from a handle axis perpendicular to the applicator pad.

**Conclusion**

All pending claims are now in condition for allowance. A notice to that effect is respectfully requested.

Respectfully Submitted,

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## EXHIBIT A



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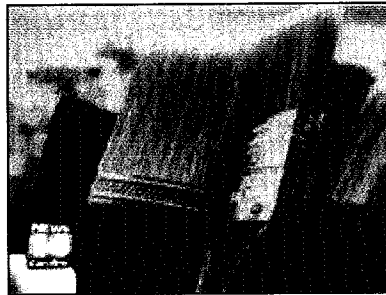
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## Best paint applicator

12/3/2005 5:25 PM  
By Mrs. FLIXIT



You have your paint, your drop cloth and tape, but what's the best applicator for the job?

The old standby, a brush, is still a great choice. They come in lots of sizes and styles, they're easy to use; give you nice coverage and if you buy a good one it can last for years.

A brush is still a great choice for painting. Don't like working with a brush? Paint pads give you a crisp edge and a smooth finish; it's a great choice for a novice because it gives you more control. I like using a wide paint pad on furniture, you get nice, even coverage.

The tricky part is you have to work in one direction and if you have curvy areas a paint pad won't work well, you'll need a foam or bristle brush!


If you're trying to cover a big space, like a room, you'll need a brush or a pad to the cut in around windows and doors, but I would choose a roller for the walls, it allows you to blend paint easily across the wall so you don't have overlap lines.


The key to choosing the right roller is nap, that's the fuzzy cover on the roller. Rough surfaces like stucco need a long nap; choose a shorter nap for smooth surfaces like drywall.

Another tip is to buy a roller with beveled ends; it'll give you a smoother finish than a roller with blunt ends.

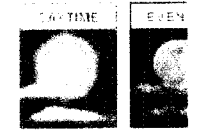
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